

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LUCILLE DAVIS,

Plaintiff,

- v -

LOCAL 1034 PENSION FUND, et al.,

Defendants.
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MEMORANDUM

CV-06-6679 (ARR)(VVP)

The parties have submitted a Stipulation of Confidentiality and Protective Order for the court's endorsement. A portion of the proposed order is problematic. The language of the second numbered paragraph of the Stipulation defines "Confidential Information" to include "business information." That category of information does not provide sufficient specificity as to what may be covered and thus permits the designation of materials as confidential, and therefore subject to the order, without a showing of "good cause" as required by Rule 26(c). The remaining parts of the definition of information subject to the order – "proprietary information" and "information concerning individual participants' benefits" – are sufficiently specific for the court to determine that good cause exists for protecting that information. Accordingly, the court has declined to enter the order as written. Instead, the court has entered a modified version of the Stipulation of Confidentiality and Protective Order which deletes the words "or business" from the definition of "Confidential Information" in the second numbered paragraph. To the extent that a party wishes to make business information, or any other information, subject to the Order, an application may be made to the court which identifies the documents or other information that are subject to the order with sufficient specificity to permit the court to determine whether the items identified qualify for protection, and if the need for protection is not readily apparent from the description of the documents, a showing of good cause must accompany the application.

SO ORDERED:

Viktor V. Pohorelsky

VIKTOR V. POHORELSKY
United States Magistrate Judge

Dated: Brooklyn, New York

September 10, 2007